

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:20-CV-00504-FDW-DSC

CPI SECURITY SYSTEMS, INC.,

Plaintiff,

v.

VIVINT SMART HOME, INC. f/k/a  
Mosaic Acquisition Corp.; and LEGACY  
VIVINT SMART HOME, INC. f/k/a  
Vivint Smart Home, Inc.,

Defendants.

**JOINTLY PROPOSED  
ADDITIONAL VOIR DIRE  
QUESTIONS**

Plaintiff CPI Security Systems, Inc. (“CPI”) and Defendants Vivint Smart Home, Inc. f/k/a Mosaic Acquisition Corp. and Legacy Vivint Smart Home, Inc. f/k/a Vivint Smart Home, Inc. (together “Vivint”) jointly submit the following list of additional questions for *voir dire* examination to be propounded to the prospective jurors.

**Additional Questions Proposed by CPI:**

1. Does anyone here have a CPI or Vivint alarm or smart home system? Would being a customer of either company affect your ability to be impartial?
2. Have you heard of the term punitive damages? Is there anybody who thinks you have a problem with the idea of giving a company money in part to punish and deter the conduct of another company?

**Vivint’s Objection:** This question would be prejudicial to Vivint and is wholly unnecessary to determine a prospective juror’s ability to remain fair and impartial. Furthermore, this question is inappropriate, particularly if the trial is bifurcated. In the event that the issue of punitive damages reaches the jury, the jury will be properly instructed on punitive damages and what the law requires.

3. Do you think companies have a responsibility to train or fire employees who repeatedly violate company policies in ways that may hurt outsiders of the company?

**Vivint's Objection:** This question would be prejudicial to Vivint and is wholly unnecessary to determine a prospective juror's ability to remain fair and impartial.

4. Are companies ultimately responsible for the actions of their employees and representatives?

**Vivint's Objection:** This question would be prejudicial to Vivint and is wholly unnecessary to determine a prospective juror's ability to remain fair and impartial.

5. Should a consumer just assume that salespeople are lying or perhaps stretching the truth? If you take them at their word then do you believe that any bad outcome is mostly your own fault?

**Vivint's Objection:** This question would be prejudicial to Vivint and is wholly unnecessary to determine a prospective juror's ability to remain fair and impartial.

6. If a sales person is ultimately honest about the product or service that he or she is selling, is it okay to fib or fudge to get the conversation started with potential customers? Is it ok to fib or fudge about any aspect of the product or service?

**Vivint's Objection:** This question would be prejudicial to Vivint and is wholly unnecessary to determine a prospective juror's ability to remain fair and impartial.

7. When you think about the various times you, or people you know, have been unhappy with a product or service, how often do you suspect someone actively files a complaint to relay their concern or unhappiness?

**Vivint's Objection:** This question would be prejudicial to Vivint and is wholly unnecessary to determine a prospective juror's ability to remain fair and impartial.

- a. Who would say that in most cases, people do not take the time to make a formal complaint?

**Vivint's Objection:** This question would be prejudicial to Vivint and is wholly unnecessary to determine a prospective juror's ability to remain fair and impartial.

- b. Do you think the most typical situation is that for every complaint a company gets, there may be other unhappy people who did not complain?

**Vivint's Objection:** This question would be prejudicial to Vivint and is wholly unnecessary to determine a prospective juror's ability to remain fair and impartial.

8. Do you think it's appropriate for companies to use sensitive issues of personal, moral or political importance, like describing a company as racist, to sell their product or service?

**Vivint's Objection:** This question would be prejudicial to Vivint and is wholly unnecessary to determine a prospective juror's ability to remain fair and impartial.

- a. If so, under what circumstances?
- b. If not, why?
9. Do you recall seeing any media or social media coverage in the Summer 2020 related to an e-mail CPI's CEO Ken Gill sent related to protests and policing issues after the murder of George Floyd?
  - a. If so, does your recollection, reaction and/or beliefs related to the comments and related media coverage in any way impact your opinion or judgment about CPI as a company?

**Additional Questions Proposed by Vivint:**

1. Have you ever worked for CPI, Vivint, or another alarm or home automation company?
2. Have you heard of CPI? If so, do you have an opinion of CPI?
3. Have you heard of Vivint? If so, do you have an opinion of Vivint?
4. Do you have a home alarm or home automation system? If so, is it through a company or DIY?
5. Do you resent companies who sell their products or services door to door?
6. Have you ever sold product or services door to door?
7. Have you ever worked in sales? What product or services?

8. If a door to door salesperson comes to your home how do you typically respond?
9. Does a door to door salesperson visiting your home make you angry? Annoyed?
10. If a competitor of a company from which you purchase goods or services solicits your business at your door would you call to your existing provider to notify them of the competitor's solicitation?
11. Do you believe it is unfair for companies based in state's other than North Carolina to compete with companies based in North Carolina?
12. Have you ever worked in a customer service department? A customer call center?
13. Do you believe that the likelihood of a customer making a complaint to a company about a product, service, or customer experience is tied to the financial significance of the product, service, or customer experience? For example, would you be more likely to complain about a new car you purchased that was defective than about a soda that you didn't enjoy the taste of?

**CPI's Objection:** This question is unnecessary to determine a prospective juror's ability to remain fair and impartial. It is also a confusing hypothetical that will likely cause prospective jurors to speculate about other variables to the transaction and/or ask myriad clarification questions to the Court or the parties for this same reason. Because it will therefore yield little value to the purpose of voir dire, and instead seems more like an argument Vivint will make at trial, it is not an appropriate question.